

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MICHAEL McCOY

PLAINTIFF

V.

CIVIL ACTION NO.1:06CV004 LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

MEMORANDUM OPINION and ORDER

The Court has before it the motion [41] of Defendant State Farm Fire and Casualty Company (State Farm) To Exclude the testimony of plaintiff's expert James T. Slider (Slider). Slider is a civil engineer. The plaintiffs have retained Slider to evaluate the weather conditions on the Coast during Hurricane Katrina and to determine whether the winds generated by the storm were sufficient to damage or destroy the plaintiff's insured property. Slider was qualified as an expert and accepted as an expert in the field of civil engineering in the trial of *Broussard v. State Farm*, Civil Action No. 1:06cv006.

If Slider's testimony is essentially similar to that he has given in other cases, he will express his opinion that the wind speeds and wind durations he has estimated are sufficient to cause substantial damage to the insured property. Forming this opinion requires calculations of forces that are outside the ken of the typical laymen who compose civil juries in this jurisdiction. Thus, Slider's testimony, in my opinion, may assist these fact finders in deciding material issues in dispute in this litigation.

I will deny this motion without prejudice to the right of State Farm to examine Slider concerning any matters touching his qualifications as an expert witness at the time he is tendered as an expert witness.

Accordingly, it is

ORDERED

That the motion [41] of State Farm Fire and Casualty Company To Exclude the Testimony of James T. Slider is **DENIED** without prejudice to the right of the defendant to examine Slider at the time he is tendered as an expert witness in this action.

SO ORDERED this 10th day of May, 2007.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE